

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANTONIO WOOTEN,

Petitioner,

V.

LAURENT JAVOIS,

Respondent.

No. 4:24-cv-01349-MTS

MEMORANDUM AND ORDER

Before the Court is Petitioner Antonio Wooten’s Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases. Doc. [2]. The Rules Governing Section 2254 Cases in the United States District Courts provide that a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus must be accompanied by the applicable filing fee, or a “motion for leave to proceed in forma pauperis, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution.” *See* Rule 3(a)(2).

In this case, Petitioner did not pay the filing fee, and did not provide the certificate required by Rule 3(a)(2). Instead, it appears Petitioner himself completed the Certificate section of his motion by writing “000⁰⁰” to state the amount of money in his account, and the word “NONE” to state the amount of securities to his credit. *See* Doc. [2] at 3. The Certificate section is not signed by an authorized officer of Petitioner’s institution.

Petitioner has failed to comply with Rule 3(a)(2), and the Court does not have the information it needs to determine whether Petitioner truly is unable to pay the modest five dollar filing fee. The Court must therefore deny the motion but will do so without prejudice. The Court will give Petitioner thirty days to either pay the five-dollar filing fee, *see* 28 U.S.C. § 1914(a), or comply with Rule 3(a)(2) of the Rules Governing Section 2254 Cases in the United States District Courts.

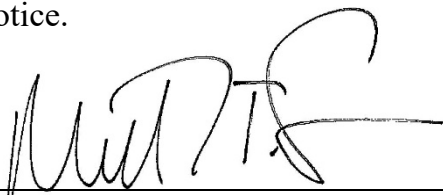
Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion to Proceed in Forma Pauperis, Doc. [2], is **DENIED** without prejudice.

IT IS FURTHER ORDERED that, no later than **Wednesday, January 08, 2025**, Petitioner must either pay the five dollar (\$5.00) filing fee or file a Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases in full compliance with Rule 3(a)(2) of the Rules Governing Section 2254 Cases in the United States District Courts.

Petitioner's failure to timely comply with this Order will result in the dismissal of this case without prejudice and without further notice.

Dated this 9th of December 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE